

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect thereof, appearing in the labeling of the product, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed. Misbranding was alleged in substance with respect to a portion of the article for the further reason that the name "Dr. E. W. Hall," appearing on the shipping case containing the article, was false, fraudulent, and misleading since E. W. Hall was not a physician.

On October 2, 1920, the cases having been consolidated into one proceeding and no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9691. Adulteration and misbranding of saccharin. U. S. \* \* \* v. 2 Cans, 10 Pounds Each, and 14 Cans, 1 Pound Each, of Soluble Saccharine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9769. I. S. Nos. 6077-r, 6078-r. S. No. C-1078.)

On February 27, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cans, 10 pounds each, and 14 cans, 1 pound each, of soluble saccharin, at Pine Bluff, Ark., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., October 3 and 23 (September 23), 1918, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Soluble Saccharine."

Analysis of a sample of the article from each consignment, by the Bureau of Chemistry of this department, showed that it contained approximately 47 per cent of sugar.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength and quality as determined by the tests laid down therein, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the statement in the labeling, "Soluble Saccharine," was false and misleading, and for the further reason that the said article was an imitation of, and was offered for sale under the name of, another article.

On October 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9692. Misbranding of pears. U. S. \* \* \* v. E. R. Hayssen Co., a Corporation. Plea of guilty. Fine, \$25.** (F. & D. No. 12804. I. S. No. 15167-r.)

On October 26, 1920, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. R. Hayssen Co., a corporation, Seneca Falls, N. Y., alleging shipment by said company, on or about September 29, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of a quantity of pears which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9693. Misbranding of Dr. Eells' Vitalizing blood purifier. U. S. \* \* \* v. Elbert Payton (F. Eells & Son Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 12811. I. S. No. 8689-r.)**

On August 6, 1920, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elbert Payton, trading as F. Eells & Sons Co., Centerville, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1919, from the State of Iowa into the State of Missouri, of a quantity of Dr. Eells' Vitalizing blood purifier, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution consisting essentially of sugar, Epsom salt, emodin-bearing plant material, and traces of volatile oils, consisting of wintergreen and sassafras.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the said article and in an accompanying circular, falsely and fraudulently represented it to be effective as a treatment, preventive, remedy, and cure for sick headache, dyspepsia, eruption of the skin, running ulcers, ringworm, rheumatism, scrofula, bilious disorders, diseases of the blood, stomach, liver, and bowels, palpitation of the heart, malaria, dizziness, despondency, female weakness, suppressed, irregular, and painful menstruation, leucorrhea, chronic erysipelas, old sores, sore eyes, goiter, all diseases of the glandular system, falling of the womb, inflammation of the vagina and womb, and gall stones, and effective to renovate the blood, when, in truth and in fact, it was not.

On March 8, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9694. Misbranding of The Texas Wonder. U. S. \* \* \* v. 53 Bottles \* \* \* of The Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12875. I. S. No. 9655-r. S. No. C-1961.)**

On June 10, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 53 bottles of The Texas Wonder, remaining unsold at Cincinnati, Ohio, consigned by E. W. Hall, St. Louis, Mo., on or about May 21, 1920, alleging that the article had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "The Texas Wonder \* \* \* E. W. Hall, Sole Manufacturer, \* \* \* St. Louis, Mo."; (carton) "A Remedy For Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children"; (circular) "Read Carefully \* \* \* In cases of Gravel